IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 7151 OF 2007

Rupali Pradeep Shah.... Petitioner

versus

Ricky Om Prakash Ralhan & anr..... Respondent.

Shri S.M. Shah for the petitioner.

CORAM; A.P. DESHPANDE, J.
DATED; 26TH SEPTEMBER, 2007

P.C.;

1. Suit filed by the respondents herein came to be dismissed by the trial court under Order 17 Rule 3-A of CPC. The said dismissal is for want of prosecution and wihout any adjudication or rendering of a judgment. In an appeal, the First Appellate Court found fault with the order and observed that the trial court though dismissed the suit under Order 17 Rule 3-A of CPC it has not rendered the judgment on merit and so holding, the First Appellate Court has quashed the order passed by the trial court and remanded the matter for decision of the suit on merit subject to payment of cost of Rs.3000/-.

2. Perused the impugned order. Parties to the petition are near relations. The subject matter of

the suit is immovable property. Having regard to the totality of the facts and circumstances, I do not deem it appropriate to interfere with the impugned order more so in exercise of writ jurisdiction. In the result, writ petition is summarily dismissed.

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